

(2023) 09 OHC CK 0047
In the Orissa High Court
Case No : Bail Application No. 9431 Of 2023

S k. Tahir

APPELLANT

Vs

State Of Odisha

RESPONDENT

Date of Decision : 08-09-2023

Acts Referred:

Code of Criminal Procedure, 1973 — Section 439

Narcotic Drugs and Psychotropic Substances Act, 1985 — Section 20(b)(ii)(C), 29

Citation : (2023) 09 OHC CK 0047

Hon'ble Judges : V. Narasingh, J

Bench : Single Bench

Advocate : C. Behera, P.K. Maharaj

Final Decision : Disposed Of

Judgement

V. Narasingh, J

1. Heard learned counsel for the Petitioner and learned counsel for the State.
2. The Petitioner is an accused in T.R. Case No.353 of 2023, pending in the Court of the learned District & Sessions Judge, Khurda at Bhubaneswar, arising out of Khandagiri P.S. Case No.288 of 2023, for commission of offence under Sections 20(b)(ii)(C)/29 of the N.D.P.S Act.
3. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned Special Judge, Khurda at Bhubaneswar by order dated 14.08.2023 in the aforementioned case, the present BLAPL has been filed.
4. It is submitted by the learned counsel that the Petitioner is in custody since 09.08.2023 for allegedly possessing contraband to the tune of 21Kgs (Ganja).
5. It is stated that as investigation has progressed substantially and since the Petitioner is the first offender, he may be released on bail.
6. Learned counsel for the State does not refute the submission of learned

counsel for the Petitioner with his usual fairness that the basis of accusation of the Petitioner is on account of statement of the co-accused i.e. Manas from whose possession the contraband was seized.

8. Considering the manner of accusation, period in custody and the punishment prescribed, this Court directs the Petitioner to be released on bail on such terms to be fixed by the learned Court in seisin over the matter.

9. Before releasing the Petitioner on bail, learned Court in seisin is called upon to verify criminal antecedent of similar nature. If it comes to the fore that the Petitioner has any such criminal antecedent, this order shall stand recalled.

10. Additionally, it is directed that the petitioner shall appear before the jurisdictional police station once every month on such date and time to be fixed by the learned Court in seisin till submission of final form. Certification of such appearance shall be submitted to the learned Court in seisin.

11. Accordingly, the BLAPL stands disposed of.

12. Urgent certified copy of this order be granted as per the rules.

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